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Chapter 9 Counsel for Tulare Local Healthcare District

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
DISTRICT, dba TULARE
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry St.
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-41

Date: November 15, 2018

Time: 9:30 a.m.

Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13

Judge: Honorable René Lastreto II

**ORDER APPROVING STIPULATION TO (1) CONTINUE HEARING ON POTENTIAL
ASSUMPTION OF MED ONE CAPITAL FUNDING, LLC'S POTENTIAL ASSUMED
CONTRACT AND (2) SET DEADLINE FOR MED ONE CAPITAL FUNDING, LLC TO
OBJECT TO CURE AMOUNT**

The Court having reviewed the Stipulation to (1) Continue Hearing on Potential Assumption of Med One Capital Funding, LLC's Potential Assumed Contract; and (2) Set Deadline for Med One Capital Funding, LLC to Object to Cure Amount (the "Stipulation") entered into by and between Tulare Local Healthcare District, dba Tulare Regional Medical Center (the "District") and Med One Capital Funding, LLC ("Med One") (collectively, "the Parties"), by and through their respective counsel, and good cause appearing to approve the Stipulation without a hearing,

RECEIVED

November 02, 2018

CLERK, U. S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0006388462

STIPULATION EXTENDING
AND CONTINUING HEARING

-1-

M:\S-U\TRMC\PLEADINGS\WW-41 Motion to Borrowing
Funds and Providing Security [Adventist Health]\Med
One\Order.Stip.Med One.110218.djb.docx

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

2 1. The Stipulation, a copy of which is attached hereto as Exhibit A, is
3 approved.

4 2. The deadline for Med One Healthcare Corporation to object to the Cure
5 Amount of its potential assumed contract as set forth in the Debtor's Motion For Authority
6 To Enter Into Transaction Including Borrowing Funds, Sales Of Personal Property And
7 Providing Security, Assumption And Assignment Of Contracts And Leases And For
8 Authority To Lease Real Property Pursuant To 11 U.S.C. Sections 105, 362, 364, 901
9 And 922 ("Transaction Motion") (Dkt. 603; WW-41) is hereby extended from August 1,
10 2018 to December 10, 2018.
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12 3. The hearing on assumption and assignment of Med One's potential
13 assumed contract is hereby continued from November 15, 2018 to December 20, 2018.
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1 4. Med One's potential assumed contract shall not be assumed by the District
2 pursuant to the Transaction Motion absent a resolution of the Cure Amount and related
3 issues by mutual consent of the Parties or by further order of the Court.
4


5 Submitted by:

6 WALTER WILHELM LAW GROUP,
7 a Professional corporation
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9 _____
10 Danielle J. Bethel
11 Attorneys for Tulare Local Healthcare District, dba
12 Tulare Regional Medical Center
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18 Dated: Nov 05, 2018

By the Court

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20 René Lastreto II, Judge
21 United States Bankruptcy Court
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Place: 2500 Tulare Street
 Fresno, CA 93721

Courtroom 13
 Judge: Honorable René Lastreto II

**STIPULATION TO (1) CONTINUE HEARING ON POTENTIAL ASSUMPTION OF MED
 ONE CAPITAL FUNDING, LLC'S POTENTIAL ASSUMED CONTRACT AND
 (2) SET DEADLINE FOR MED ONE CAPITAL FUNDING, LLC
 TO OBJECT TO CURE AMOUNT**

Tulare Local Healthcare District, dba Tulare Regional Medical Center (the
 "District"), the debtor in the above-captioned case, and Med One Capital Funding, LLC
 ("Med One") (Med One and the District are referred to herein, collectively, as "the
 Parties"), hereby stipulate and agree to (1) continue the hearing on the potential
 assumption and assignment of Med One's potential assumed contract, and (2) set forth

1 the deadline by which Med One must object to the cure amount for assumption and
2 assignment of its potential assumed contract, as set forth below.

3 **STIPULATED FACTS**

4 A. On September 30, 2017("Petition Date"), the District commenced its
5 Chapter 9 case.

6 B. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and
7 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core
8 proceeding under 28 U.S.C. § 157(b)(2).

9 C. This stipulation is entered into pursuant to 11 U.S.C. §§ 365 and 901 and
10 LBR 9019.

11 D. On July 20, 2018, the District filed its Motion for Authority to Enter Into
12 Transaction Including Borrowing Funds, Sales of Personal Property and Providing
13 Security, Assumption and Assignment of Contracts and Leases and for Authority to
14 Lease Real Property Pursuant to 11 U.S.C. Sections 105, 362, 364, 901 and 922, as
15 well as certain declarations and exhibits in support thereof [Dkt. 603; WW-41]
16 (collectively, the "Transaction Motion").

17 E. By the Transaction Motion, the District designates Med One as having at
18 least one "Potential Assumed Contract" ("Med One's Potential Assumed Contract") and
19 indicates that the amount of the District's default, which default the District must cure to
20 assume and assign Med One's Potential Assumed Contract under Section 365 of the
21 Bankruptcy Code, is "\$0.00" (the "Cure Amount").

22 F. On August 1, 2018, the District and Med One entered into and filed a
23 Stipulation to (1) Extend Deadline for Med One Capital Funding, LLC to Object to
24 Assumption and Assignment of Potential Assumed Contract; (2) Continue Hearing on
25 Potential Assumption of Med One Capital Funding, LLC's Potential Assumed Contract;
26 and (3) Preclude Assumption and Assignment of Med One Capital Funding, LLC's
27 Potential Assumed Contract Pending Resolution of Cure Amount. [Dkt. 658].

1 G. On August 1, 2018, the Court entered an order approving the Parties'
2 stipulation, as a result of which, the hearing on assumption and assignment of Med
3 One's Potential Assumed Contract was continued to November 15, 2018, at 9:30 a.m.,
4 and the deadline for Med One to object to the Cure Amount was extended to a date to
5 be agreed upon by the Parties. [Dkt. 675].

6 H. The District and Med One continue to engage in negotiations regarding the
7 disposition of Med One's Potential Assumed Contract, including the Cure Amount.
8 Accordingly, the Parties wish to further continue the hearing on assumption and
9 assignment of Med One's Potential Assumed Contract and set forth the deadline by
10 which Med One must object to the Cure Amount required for assumption and
11 assignment of its potential assumed contract.

12 STIPULATION AND AGREEMENT

13 Subject to Court approval, the District and Med One hereby stipulate and agree
14 as follows:

- 15 1. The foregoing Stipulated Facts are incorporated herein by reference.
- 16 2. The hearing on assumption and assignment of Med One's Potential
17 Assumed Contract, which is currently scheduled for November 15, 2018, at 9:30 a.m.,
18 shall be continued to December 20, 2018, at 9:30 a.m.
- 19 3. The agreed upon deadline by which Med One must object to the Cure
20 Amount set forth in the Transaction Motion is December 10, 2018.

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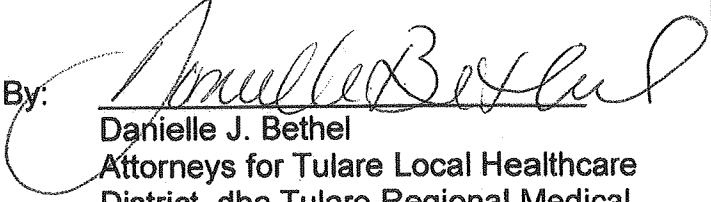
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1 4. The District shall not assume nor assign Med One's Potential Assumed
2 Contract(s) absent a resolution of the Cure Amount and related issues by mutual
3 consent of the Parties or by further order of the Court.

4 IT IS SO STIPULATED.

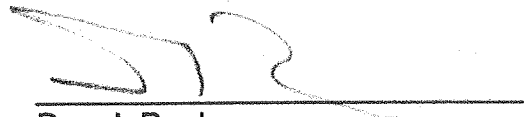
5 Dated: 11/2, 2018

WALTER WILHELM LAW GROUP

6
7
8 By: 
9 Danielle J. Bethel
10 Attorneys for Tulare Local Healthcare
11 District, dba Tulare Regional Medical
12 Center

11 Dated: November 2, 2018

DOWLING AARON INCORPORATED

12
13
14 By: 
15 Don J. Pool
16 Attorneys for Med One Capital Funding,
17 LLC